

IN THE SPECIFICATION

Please amend page 1 of the specification by inserting the following paragraph before "Background of the Invention":

① --This application is a divisional application of U.S. Application No. 08/892,881, which was filed on July 15, 1997, now issued as U.S. Patent No. 5,754,304, which was a continuation application of U.S. Application No. 08/312,923, filed September 30, 1994, now abandoned, and both of the aforementioned applications are incorporated herein by reference.--

REMARKS

Claims 13 to 27 are pending in the application, with Claims 13 and 21 being the independent claims. Reconsideration and further examination are respectfully requested.

Claims 13 to 27 were rejected under 35 U.S.C. § 103 over U.S. Patent No. 5,162,838 (Inuzuka) and parent U.S. Patent No. 5,754,304 (Endo). Reconsideration and withdrawal of this rejection are respectfully requested.

In this regard, Applicants' representative, Dennis Duchene, advised the Examiner during a telephone call that the foregoing art rejection is seen to be improper because it is based on a patent which issued from the parent application of the present application. In particular, Endo is the parent of the subject application and should therefore not be applied as a prior-art reference. During the telephone conversation with Applicants' representative, the Examiner acknowledged that the use of Endo as a prior-art reference

was improper and suggested that Applicants file a response to the Office Action requesting that Endo be removed as a prior-art reference and that a new Office Action be issued.

In this regard, Applicants note that, in the Utility Patent Application Transmittal filed therewith, the present application claims priority to parent Application No. 08/892,881, which was filed on July 15, 1997 and which issued as U.S. Patent No. 5,754,304 on May 19, 1998. In addition, the amendment to the specification set forth above clarifies the identification and status of the parent applications to which the present application claims priority.

In order for a patent reference to anticipate an invention claimed in a patent application under § 102(b), the reference must have been patented more than one year before the filing date of the patent application. Applicants respectfully submit that the applied Endo patent does not qualify as prior art under § 102(b) because the subject application claims benefit of priority based on the application which issued as the Endo patent and based on the earlier-filed Application No. 08/312,923, filed September 30, 1994, now abandoned, and is therefore entitled to the earliest filing date of September 30, 1994. Because Endo has a publication date later than the earliest effective filing date of the subject application, Endo cannot possibly be seen to qualify as prior art under § 102(b) against the subject application. Accordingly, Applicants respectfully submit that the pending rejection of Claims 13 to 27 be withdrawn and that a new Office Action be issued. In this regard, Applicants respectfully submit that the application of the Endo patent in a prior-art rejection of the pending claims was in error, and therefore a new Office Action should not be made final.

Because the Endo patent should be removed from the pending art rejection of Claims 13 to 27, and because Inuzuka, the remaining applied reference, is not seen to teach each and every element of the pending claims, Applicants submit that the application is in condition for allowance, and such action is respectfully requested.

Applicants' undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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